

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 07 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUANA ESPINOZA-AMAYA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-71821

Agency No. A76-690-056

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 18, 2008**

Before: LEAVY, HAWKINS, and W. FLETCHER, Circuit Judges.

Juana Espinoza-Amaya, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's order denying her application for cancellation of removal

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

pursuant to 8 U.S.C. § 1229b(b)(2) (“Special rule for battered spouse or child”).

We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

Espinoza-Amaya does not challenge the BIA’s determination that she failed to establish eligibility for cancellation of removal because she did not demonstrate that she was married to a United States citizen or lawful permanent resident spouse. *See* 8 U.S.C. § 1229b(b)(2)(A)(i); *see also Lopez-Umanzor v. Gonzales*, 405 F.3d 1049, 1053 (9th Cir. 2005) (an alien who fails to establish each of the criteria set forth in the statute is not eligible for cancellation of removal). We therefore do not reach Espinoza-Amaya’s contention concerning the agency’s extreme cruelty determination.

Espinoza-Amaya’s remaining contention is unpersuasive.

PETITION FOR REVIEW DENIED.